

4192. Adulteration and misbranding of so-called Chianti. U. S. v. George Acunto et al. (Caserta Wine Co.). Plea of guilty. Fine, \$30. (F. & D. No. 6404. I. S. Nos. 6760-h, 6761-h.)

On September 21, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Acunto and Nicholas Finizio, copartners, doing business under the trade name of the Caserta Wine Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on October 11, 1913, from the State of New York into the State of Pennsylvania, of a quantity of so-called Chianti wine which was adulterated and misbranded. The product was labeled: (On quart bottle) (principal label) "Fine Table Wine—Superior to any Quality of Chianti (foreign coat of arms, monogram of C. W. Co., scrolls, etc.)." (Neck band) "Bottled by the Caserta Wine Co., New York. Net contents 32 ounces." (Or "16 ounces" on the pint bottles.)

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that by organoleptic tests the article was not a Chianti wine, and it was a low-grade, inferior article and bore evidence of having been compounded.

Adulteration of the article was alleged in the information for the reason that an imitation Chianti had been substituted wholly or in part for Chianti which the article purported to be.

Misbranding was alleged for the reason that the statement "Chianti," borne in prominent type on the label, regarding the article and the ingredients and substances contained therein, together with certain pictorial designs and devices, and the shape and style of the bottle characteristic of imported Chianti wine, not corrected by the statement borne on the neck of said bottle, "Bottled by the Caserta Wine Co., New York," were false and misleading in that they indicated that said article was Chianti, a wine of Italian origin, whereas, in truth and in fact, said article was not Chianti, a wine of Italian origin, but was an imitation Chianti wine manufactured in the United States of America. Misbranding was alleged for the further reason that the article was labeled "Chianti" in prominent type, which said label also bore certain pictorial designs and devices, which, together with the shape and style of the bottle characteristic of imported Chianti wine, and which was not corrected by the statement borne on the neck of the bottle, "Bottled by the Caserta Wine Co., New York," all and singular, were calculated to deceive and mislead the purchaser into the belief that it was Chianti, a wine of Italian origin, whereas, in truth and in fact, said article was not Chianti, a wine of Italian origin, but was an imitation Chianti wine manufactured in the United States of America.

On September 28, 1915, a plea of guilty was entered on behalf of the defendant copartnership, and the court imposed a fine of \$30.

CARL VROOMAN, *Acting Secretary of Agriculture.*